P.F. 29 of 1896.

G. R. S. IX-5]

*Previous references.* 1895-96

~~192~~

( L. R )

File No. 115 of 95

Serial Nos. 1 to 8

*Later references.*

# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* 1 to 8.

In ~~Part B~~ for December 1896.

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SUBJECT.

Appeal of Ishwarayya regarding the boundaries of Kanchanahalli and other villages in the Nagamangala Taluk.

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WD 2253—GPE—20,000—14-6-30

The orders of the 2nd and 3rd Councillors directed the Lower Court to try the issue of adoption and submit its finding with the record of evidence and that the Deputy Commissioner, Mysore should see that the claims of both the parties can be adjusted equitably without interference with the existing charges by interchange of villages and submit his proposals

The Deputy Commissioner, Mysore submits the finding of the Subdivision officer on the question of adoption together with the record of evidence & thinks that the records shows that there is no necessity, now interfere with the division of villages in as much as the Peta payable to both the parties is nearly equal

See ~~Vide~~ for original copy
Vide Serial No. 6
of Page 17

3

The Respdt says she has adopted a boy by name Venkateswarlu and if this is a fact her title will be by operation of law be transferred to the boy. The appellant however disputes the adoption and this question will therefore have to be decided - The Lower Court will accordingly be directed to try this issue & submit its finding with the record of evidence

The villagers in dispute seem to have been divided between two Shanbogs' charges - The Dy Court will see how the claims of these parties can be equitably adjusted, without interfering with the Shanbogs' charges already fixed and submit his proposals by enhancement of remuneration

12/11

Drafted
S.V.
4/12

Appeal No 27 of 1895-96.

Appellant—

Bhairavaya

Respondent—

Narasamma.

Appeal regarding the Shanbhogi of Kanchanhalli and other villages in the Nagamangala Taluk.

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List of English papers

(1) Appeal petition
(2) Deputy Commr's judgment
(3) Sub-Asst Officer's judgment x
(4) Proceedings of the Sub-Asst Officer's Court x
(5) Genealogical Table x
(6) Dy Commr's docket
(7) Official Memorandum

---

5

Pendency of this suit
after that Narasamma (PW 5)
adopted Venkatesayya is
supported by reliable evidence
& is confirmed. He will
therefore be referred as
Channegowda of Kanchanahalli
Thimma comprising the village of
1.

and his adoptive father
Venkatesayya widower of
a cousin late husband
Narasamma's
(PW 6) will be confirmed
as foomasta during the
minority of the boy.

29.1.1968

[illegible]

(C) 4

Appeal No 27 of 1895-96.

Appellant: Bhairavayya

Respondent: Narayanna.

Dispute regarding the Shanbhogi of Kanchanhalli and other villages in the Nagamangala Taluk.

List of papers in English.

(1) to (7). Vide separate list attached

(8) Copy of the Sub-Ordinate officer's order in 1893.

(9) Sub-Ordinate officer's judgment dy 30.6.93.

(10) Dy Commr's Remand order dy 2.12.93.

o (11) Copy of the Sub-Ordinate officer's order in 1894-95 and Notes of Evidence.

o returned with the records.

• (12) Sub-Ordinate officer's judgment dy 19th March 95

+ (13) Dy Commr's " dy 3rd August 95

• returned with the records.

+ returned to petitioner with Exhibit Nos. 7 & 14.

{ (14) Copy of the Sub-Ordinate officer's order of Remand dy 3rd August 95

{ (15) Sub-Ordinate officer's finding.

returned with the records.

(16) Bhairavayya's petition dy 9.9.95, applying for an adjournment.

Rev. Regt Case No. 3 of 92-93 in the Court of the Sub-Ordinate Officer, Channapatna with the records.

(2)

Gen. Serial No. 32.]

1895

No. 724

Name of Petitioner. Shyama Charan

Village. Kanchanpalli [illegible]

Taluk. [illegible]

District. [illegible]

Date of Arzi. 12-8-95

Date of Receipt. 12-8-95

Date of Disposal.

No. of Enclosures. 1

ABSTRACT.

Vol 499 ✓ Pr Draft (9)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

L.R. 115-95-2

## OFFICIAL MEMORANDUM.

The accompanying Appeal Petition
Registered No. 704 dated 12th August
received at the Dewan's Office from
Bhyravia Shanbhag of Kanch
-halli Pirka, residing in Bel
Nagamangala Taluk, against
the judgment passed by the Dy. Co
in Rev. Appeal No. 53 of 94-95 regardi
the office of Shanbhag of the Seven
villages forming the Kanchanh
Pirka
is forwarded, together with its one
enclosure to the Deputy Commissioner
of Mysore District
for submission of the entire proceedings
connected with the case.

2. The petition with its enclosure
should be returned.

By order,

25-8-95
BANGALORE,
28th August 1895.

28/8
for the Chief Secretary.

M.G.C.P.B.—25-4-95—1,000

and respondent Kamarammal's husband
are divided members -

3. Respondent that respondent Kamarammal
has not given any proof in this case
to show that her husband and petitioner's
father had effected partition -

4. That an appeal having been preferred to
the then Dy. Commr. against the decision of
the Sub-Division Officer of French Rocks passed in
favour of the respondent on the strength
of the petition containing petitioner's
father's consent the above officer in
Rev. A. P. No. 6 of 1893-94 - remanded
the case for enquiry into the proof adduced
by both parties. The Sub-Division Officer
in spite of the above order passed his decision
without examining the witnesses cited by the
petitioner - this was irregular. The Dy. present Commr.
is wrong in upholding the said decision.

5. That if the petitioner's witnesses had been
examined it would have been proved that
the petitioner's father and the respondent's husband
did not effect any partition -

6. That since the respondent has given deposition that she
transferred the work of the office of Shanbogue was de facto
to one Venkatesh on condition of her being maintained by him
simply with a view to deprive the work of the petitioner - she has
no right to sue for the office.

7. That the petitioner is ready to maintain the respondent.
The lower court has not taken this into consideration -

8. That since the peti. has been conducting uninterruptedly the duties of the office
from the death of the respondent's husband which
occurred in 1870 the respondent's suit is barred by limitation.

9. That since the respondent had slept over her right till now she is estopped
from filing this suit -

10. That the decision of the lower court is opposed to the evidence, justice and law -

118

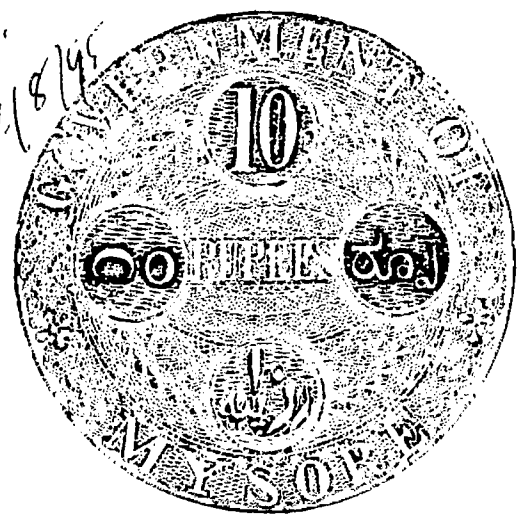
MYSORE DIWAN'S OFFICE
PETITION DEPARTMENT.
PETITION No. 704/E
DATE 17-8-95

11

Ret'd. 17/8/95

704

Ex. 1




MYSORE COURT FEE

111

O.S. 27 of 1895-96

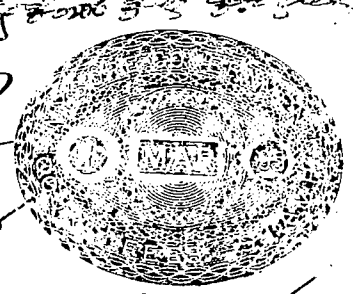
[illegible]

1 [illegible]

2 [illegible]

3 [illegible]

4 [illegible]



13

Gen. 31.]

REVENUE DEPARTMENT
1895 No. 1915
No.
9 SEP. 95
DEWAN'S OFFICE

L.R. 115-95-3

From

The Deputy Commissioner
of the Mysore District

To

The Revenue Secretary
to the Government of Mysore

Dated 6th September 1895.

Despatched

Received

General No.
No. 325

Enclosures No. two on file

Submits the proceedings
connected with the Shanbhogi
of Kanchanahalli Perkan
Nagamangala Taluk.

10

No. 325
En. 2 Files.

Deputy Commissioner's Office
Mysore District
Dated Mysore 6th September 95

To

The Revenue Secretary
to the Government of Mysore

Sir

As required in your docket no: Ret 499 dated — August 1895 I have the honor to submit herewith the entire proceedings connected with the Revenue appeal no: 53 of 1894-95 on the file of this office regarding the shanbhogie of the Kunchanahalli firka in the Nagamangala Taluk.

2. The petition received with the docket under reference is herewith retransmitted with its enclosure.

I have the honor to be
Sir
Your most obedient Servant

Deputy Commissioner
of the Mysore District

Compd.
Ley.

14 1 (5)

Proceedings of the Govt of Mysore

L.R. 115–95–4.

Read:–

Letter No 325 dated 6th September 1895 from the Deputy Commissioner, Mysore District submitting the proceedings connected with the appeal of Bhairavaiya of Bellur Nagamangala Taluk, regarding the Shanbhogi of Kanchanahalli and other villages in the said Taluk.

——u——

Order thereon. No 3796. Pet 798

8/15/21–10–95

The Respondent Narasamma says she has adopted a boy by name Venkatesaiya and if this is a fact, her title will, by operation of law, be transferred to the boy. The appellant, however

disputes the adoption, and
this question will, therefore,
have to be decided. The
Lower Court will accordingly
be directed to try this issue,
and submit its finding,
with the record of evidence.

2. The villages in dispute
seem to have been distributed
between two Shanbhogs charges.
The Deputy Commissioner
will see how the claims of
these parties can be equitably
adjusted by interchange of
villages, but without interfering
with the Shanbhogs' charges
already fixed, and submit
his proposals.

Draft
C 2 & 3

15-10-95
Revenue Secretary

Rec'd 18/10.

To The Deputy Commr
Mysore District
with proceedings + + Sketch by parcel.
checked +

SV 14/10.

Rec'd 21/10/95

16 ఫిబ్రవరి 2004

L.R.115-97-5

21-10-95

(6)

...with reference to the
...3rd Council Order's orders
...YOH of 12.8.95, with ...
...8.96 recently received

17

REVENUE DEPARTMENT
Gl. No. 1429
Pet. No. 1212
21 AUG. 96
DEWAN'S OFFICE

From

*The Deputy Commissioner*
*of the Mysore District.*

7

To

*The Secretary to the Government of Mysore,*
*Revenue and General Departments.*

L.R. 115-95-6

...Sayaji Rao begs to ...
...ase issue a notice ...
...fell ... Appellant ...
...the V. fill ... Rao ...
...nb/r

Dated 17-9
Despatched
Received
} August 1896.

**Enclosures No.** one file of pap.

**No.** 347

...order of the 2nd & 3rd ... Submits records in re the ...
...rs directed the Lower
...ing the issue of adoption
...ir finding with the record appeal of Bhairavaiya of
...ord that the Dy Comr before
...ne how the claims of both Bellur, Nagamangala tal...
...can be adjusted equitably.
...terference with the existing
... by inter-change of villages
...ith his proposals.
...ty Commissioner before
...finding of the Subdivision
...question of adoption together
...rd of evidence & thinks that
...shows that there is no necessity
...ere with the division of villages
...ch as the Rs 8½ payable to
...arties is nearly equal-

P.A. March
21.8.96

21/8/96 Read
21/8

Subj with references.
RK
25/8

18

No. 347
Enclosures No. Records
Records with Petition.

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 1st August 1895.

(7)

To

*The Secretary to the Government of Mysore,*
*Revenue and General Departments.*

SIR,

With reference to Government order No. 3796 per 1798 dated the 15th October 1895 in the appeal of Shivarajiya of Bellur in the Nagamangala taluk regarding the Shanbogi of Kanchanahalli and other villages in the said taluk, I beg to submit herewith the entire records of the case with the finding of the Sub-Division Officer of Hirisave upon the issue of the adoption of Venkatesaiya,

19

as directed therein.

2. With reference to para 2 of the order, I beg to state that the record received from the Sub-Division officer of Tirumakudal Narsipur shows that there is now no necessity for any interference in regard to the distribution of the villages made between the parties, inasmuch as the potagi payable to both the parties is nearly equal.

I have the honor to be,

Sir

Your most obedient Servant

C. Rangacharlu

Deputy Commissioner

Mysore District

(10) 2

Proceedings of the Govt of Mysore

L.R. 115-95-7

Read:—

(1) Petition of appeal No. 27 of 1895-96 presented by Bhairavaiya of Bellur in the Nagamangala Taluk, against the decision of the Deputy Commr of Mysore in Revenue Regular appeal No. 5-3 of 1894-95; on the file of his court regarding the Shanbhogi of Kanchanhalli and other villages in the Nagamangala Taluk.

Respondent (Plaintiff)

Bhairavaiya & Narasamma. (Respondent).

(2) Order No. 3796/Rt-798 dated 15th October 1895; directing the Lower Court to try the additional issue framed by Govt as regards the question of adoption by the

Plaintiff of a boy named Venkatesaiya, and to submit his finding with the record of evidence.

(3) Letter No 347 dated 17th August 1896 from the Deputy Commr, Mysore District, submitting the entire records of the case with the finding of the Sub Dy Officer of French Rocks on the issue alluded to above.

(4) Records of the case

P. —

(884) Order No $\frac{5-387}{P.J.29-96}$ & 10.12.96 Encl. 14 records.

In 1872, Appellant's father Bhairavaiya who was the registered Shanbhog of Kanchanhalli and 11 other villages addressed a petition to the Amildar stating that in the partition effected between his

Timmalacharya filed
his elder brother's son Timma-
ppayya) and himself, the
Shanbhogs of Kanekallu
and 6 other villages had filed
a suit against Timmalacharya
and requested that the
Sarvarai might be made
in his name. ~~In this~~
~~suit the Munsiff Timma-~~
~~charya in the latter~~
~~was dismissed. Timmacharya~~
~~appealed, and on September~~
~~1872, directed a fresh~~
~~suit. Bhaviraya's claim~~
~~decided in the meanwhile, Timm-~~
~~appayya died and his~~
~~widow and sons defended~~
for the office. ~~But~~ The Court
Commr passed no decree
as the defendant Bhaviraya
was then
a minor, and ordered that
the office of all the 12 villages

of these villages

Summary action on the application being refused and Bhaviraya having died in the meanwhile, Timmappayya's widow Venkamma & his son (Defts)

should be registered in the minor's name, and that Sivanadaswarajah might conduct all the duties ad interim. This was in July 1873 Sivanadaswarajah expressed his inability to conduct the duties of all the 12 villages and requested that he might be permitted to do the duties of the 7 villages that fell to his share, those of the remaining villages continuing to be done by the minor's grandfather Bhaskaravaja. ~~This appeared appears to have been correct in March 1873~~ Accordingly Sivanadaswarajah conducted the duties till he died without issue in 1880. No permanent arrangement was made till

1887

1887, when the defendant- on attaining his majority- was allowed to ~~take charge of both the Firkas and to continued~~ to discharge the duties of both the firkas. In 1892, Narasamma widow of Tirumaladevaraya ~~again brought filed~~ a suit to recover the Shanbhogi of Kancherlla and 6 other villages. The defendant denied the ~~[illegible]~~ relied on by the Plff ~~of the Shanbhogi villages in 1877~~, but both the Sub- & officer and the Deputy Commr held that it was proved and decreed the office in favour of the Plaintiff whereupon Bhairavaya appeals to Govt.

2. At the first hearing of the appeal, the Plaintiff state that she had adopted a

boy Named Venkatesaiya
as her son. The Defendant
disputing the adoption, the
case was remanded to the
Lower Court for trial of the
additional issue framed
on the point, and for submission
of proposals regarding the
equitable adjustment of
the claims of the parties in
regard to the distribution of
villages without interfering
with the Shanbhogi charges
fixed at the time of the
Potigi Settlement. The Deputy
Commr now submits the
Sub Dr Officer's finding on the
issue to the effect that the
adoption has been satisfactorily
proved; and reports that
the ~~difference between~~ the
Potigi ~~accounts~~ of the two
charges ~~are not exceeding~~ being
nearly equal, there is no
necessity.

necessity for any interference
in the matter of the distribution
of the villages in question

3. The finding of the
Sub-Collector that Narasamma
(Plaintiff) adopted Venka-
tesa (and which
is supported by
reliable evidence and is
confirmed (Venkatesayya) and therefore
be rejected as finding of
Kanchanhalli Taluk comprising
the villages of —

1. Kanchanhalli
2. Bannadhalli
3. Arni
4. Srirangapura
5. Giradhalli
6. Channadalli, and
7. Hosahalli,

and his father Venkatesayya,
who is also a cousin of
Narasamma (Plaintiff)
late husband, will be

Under these circumstances
shares. The

Confirmed as granted during
the minority of the boy.

Draft.

10-12-96

C243

H. Secretary

5/12/96

To

The Registrar General
Bayne Sentinel, Perth
Records & Copy of Instrument
granted to the applt.

A.C.

2 Drafts sent

By Order

Redraft 10-12-96

Secretary.